

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

ROCHELLE L SMITH,

§§§§§§§§§§

Plaintiff,

VS.

NO. 4:23-CV-00379-O-BP

GENERAL MOTORS, LLC,

38

Defendant.

288

APPENDIX IN SUPPORT OF DEFENDANT'S RULE 12(B)(6) MOTION TO DISMISS
PLAINTIFF'S SECOND AMENDED COMPLAINT

EXHIBIT	EXHIBIT DESCRIPTION	APP NO.
1	May 3, 2023, Attestation of Records	APP. 001
1-A	EEOC's Investigative File for Charge No. 450-2022-03319	APP. 002-36

Dated: May 24, 2023

Respectfully submitted,

/s/ Jonathan G. Rector

Jonathan G. Rector
Texas Bar No. 24090347
M. Collin Quigley
Texas State Bar No. 24100928

LITTLER MENDELSON, P.C.
2001 Ross Avenue, Suite 1500
Dallas, TX 75201-2931
214.880.8100
214.880.0181 (Fax)
jrector@littler.com
cquigley@littler.com

ATTORNEYS FOR DEFENDANT
GENERAL MOTORS, LLC

CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2023, the foregoing was electronically filed in the above and foregoing with the Clerk of the Court, utilizing the ECF system, which sent notification of such filing to the following:

Rochelle L. Smith, Pro Se
409 Ave E
Dallas, Texas 75203
rosmithfirm@gmail.com

PRO SE PLAINTIFF

/s/ M. Collin Quigley

M. Collin Quigley

EXHIBIT 1



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Dallas District Office**

207 S. Houston Street 3rd Floor
Dallas, TX 75202
Free: (833) 827-2920
TTY: (214) 253-2749
FAX: (214) 253-2710
Website: www.eeoc.gov

ATTESTATION

FOIA Number: 450-2023-008327

ATTESTATION OF RECORDS

I, Rasheedah McDonald, am the FOIA Coordinator in the Dallas District Office of the Equal Employment Opportunity Commission. As the FOIA Coordinator, I am the Records Custodian for the investigative files in the Dallas District Office.

Under the provisions of the Freedom of Information Act, you are being provided with /have been provided with 35 pages of documents in relation to Rochelle L. Smith v. General Motors, Charge no. 450-2022-03319.

I certify that these are true and correct copies of documents contained in the Commission's original investigative file in the charge of Rochelle L. Smith v. General Motors, Charge no. 450-2022-03319. Such files are maintained in the ordinary course of the government's operation of investigation and enforcement of claims of employment discrimination.

I declare under penalty of perjury that the above is true and correct.

The foregoing statement was executed on the 3rd day of May 2023.

Sincerely,

A handwritten signature in black ink, appearing to read "Travis M. Nicholson".

Digitally signed by
Travis M. Nicholson
Date: 2023.05.03
12:06:27 -05'00'

Travis Nicholson
District Director
dallasfoia@eeoc.gov

EXHIBIT 1-A



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

El Paso Area Office
100 N. Stanton Street, Suite 600
El Paso, TX 79901
(800) 669-4000
Website: www.eeoc.gov

DETERMINATION AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161 & 161-A)

Issued On: 12/22/2022

To: Mrs. Rochelle L. Smith

409 Avenue E

DALLAS, TX 75203

Charge No: 450-2022-03319

EEOC Representative and email: ROXANA LAMOTTE
EO INVESTIGATOR
roxana.lamotte@eeoc.gov

DETERMINATION OF CHARGE

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice**. Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file a lawsuit based on this charge, please sign-in to the EEOC Public Portal and upload the court complaint to charge 450-2022-03319.

On behalf of the Commission,

Roxana La Motte for
12/22/2022

Travis M. Nicholson
District Director

Cc:

Please retain this notice for your records.

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

(This information relates to filing suit in Federal or State court under Federal law. If you also plan to sue claiming violations of State law, please be aware that time limits may be shorter and other provisions of State law may be different than those described below.)

IMPORTANT TIME LIMITS – 90 DAYS TO FILE A LAWSUIT

If you choose to file a lawsuit against the respondent(s) named in the charge of discrimination, you must file a complaint in court **within 90 days of the date you receive this Notice**. Receipt generally means the date when you (or your representative) opened this email or mail. You should **keep a record of the date you received this notice**. Once this 90-day period has passed, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and the record of your receiving it (email or envelope).

If your lawsuit includes a claim under the Equal Pay Act (EPA), you must file your complaint in court within 2 years (3 years for willful violations) of the date you did not receive equal pay. This time limit for filing an EPA lawsuit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, your lawsuit must be filed within 90 days of this Notice **and** within the 2- or 3-year EPA period.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Filing this Notice is not enough. For more information about filing a lawsuit, go to <https://www.eeoc.gov/employees/lawsuit.cfm>.

ATTORNEY REPRESENTATION

For information about locating an attorney to represent you, go to:
<https://www.eeoc.gov/employees/lawsuit.cfm>.

In very limited circumstances, a U.S. District Court may appoint an attorney to represent individuals who demonstrate that they are financially unable to afford an attorney.

HOW TO REQUEST YOUR CHARGE FILE AND 90-DAY TIME LIMIT FOR REQUESTS

There are two ways to request a charge file: 1) a FOIA Request or 2) a Section 83 request. You may request your charge file under either or both procedures. EEOC can generally respond to Section 83 requests more promptly than FOIA requests.

Since a lawsuit must be filed within 90 days of this notice, please submit your request for the charge file promptly to allow sufficient time for EEOC to respond and for your review. Submit a signed written request stating it is a "FOIA Request" or a "Section 83 Request" for Charge Number 450-2022-03319 to the District Director at Rayford O. Irvin, 207 S. Houston Street 3rd Floor

Dallas, TX 75202.

You can also make a FOIA request online at <https://eeoc.arkcase.com/foia/portal/login>.

You may request the charge file up to 90 days after receiving this Notice of Right to Sue. After the 90 days have passed, you may request the charge file only if you have filed a lawsuit in court and provide a copy of the court complaint to EEOC.

For more information on submitting FOIA Requests and Section 83 Requests, go to:
<https://www.eeoc.gov/eeoc/foia/index.cfm>.

NOTICE OF RIGHTS UNDER THE ADA AMENDMENTS ACT OF 2008 (ADAAA)

The ADA was amended, effective January 1, 2009, to broaden the definitions of disability to make it easier for individuals to be covered under the ADA/ADAAA. A disability is still defined as (1) a physical or mental impairment that substantially limits one or more major life activities (actual disability); (2) a record of a substantially limiting impairment; or (3) being regarded as having a disability. *However, these terms are redefined, and it is easier to be covered under the new law.*

If you plan to retain an attorney to assist you with your ADA claim, we recommend that you share this information with your attorney and suggest that he or she consult the amended regulations and appendix, and other ADA related publications, available at:
http://www.eeoc.gov/laws/types/disability_regulations.cfm.

“Actual” disability or a “record of” a disability

If you are pursuing a failure to accommodate claim you must meet the standards for either “actual” or “record of” a disability:

- ✓ **The limitations from the impairment no longer must be severe or significant** for the impairment to be considered substantially limiting.
- ✓ In addition to activities such as performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, thinking, concentrating, reading, bending, and communicating (more examples at 29 C.F.R. § 1630.2(i)), **“major life activities” now include the operation of major bodily functions**, such as: functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions; or the operation of an individual organ within a body system.
- ✓ **Only one** major life activity need be substantially limited.
- ✓ Except for ordinary eyeglasses or contact lenses, the beneficial effects of **“mitigating measures”** (e.g., hearing aid, prosthesis, medication, therapy, behavioral modifications) **are not considered** in determining if the impairment substantially limits a major life activity.
- ✓ An impairment that is **“episodic”** (e.g., epilepsy, depression, multiple sclerosis) or **“in remission”** (e.g., cancer) is a disability if it **would be substantially limiting when active**.
- ✓ An impairment **may be substantially limiting even though** it lasts or is expected to last **fewer than six months**.

“Regarded as” coverage

An individual can meet the definition of disability if an **employment action was taken because of an actual or perceived impairment** (e.g., refusal to hire, demotion, placement on involuntary leave, termination, exclusion for failure to meet a qualification standard, harassment, or denial of any other term, condition, or privilege of employment).

- ✓ “Regarded as” coverage under the ADAAA no longer requires that an impairment be substantially limiting, or that the employer perceives the impairment to be substantially limiting.
- ✓ The employer has a defense against a “regarded as” claim only when the impairment at issue is objectively **both** transitory (lasting or expected to last six months or less) **and** minor.
- ✓ A person is not able to bring a failure to accommodate claim **if** the individual is covered only under the “regarded as” definition of “disability”.

Note: Although the amended ADA states that the definition of disability “shall be construed broadly” and “should not demand extensive analysis,” some courts require specificity in the complaint explaining how an impairment substantially limits a major life activity or what facts indicate the challenged employment action was because of the impairment. Beyond the initial pleading stage, some courts will require specific evidence to establish disability. For more information, consult the amended regulations and appendix, as well as explanatory publications, available at http://www.eeoc.gov/laws/types/disability_regulations.cfm.



**U.S. Equal Employment Opportunity Commission
Notification & Acknowledgement of Dual-Filed Charge**

(This Notice replaces EEOC FORM 212-A)

12/21/2022

EEOC Number: 450-2022-03319

FEPA Number:

This is notice that a charge of employment discrimination, Mrs. Rochelle L. Smith v. General Motors was initially received by El Paso Area Office on 12/19/2022 and will be dual-filed with Texas Workforce Commission Civil Rights Division.

Pursuant to the worksharing agreement, the El Paso Area Office intends to Investigate Charge.

The Texas Workforce Commission Civil Rights Division acknowledges receipt of the referenced charge, Mrs. Rochelle L. Smith v. General Motors, and intends to Defer Investigation.

Issued by:

El Paso Area Office

Issued on:

12/21/2022

Acknowledged by:

Texas Workforce Commission Civil Rights Division

Acknowledged on:

12/21/2022

CHARGE OF DISCRIMINATION		Charge Presented To:	Agency(ies) Charge No(s):
This form is affected by the Privacy Act of 1974 See enclosed Privacy Act Statement and other information before completing this form		EEOC	450-2022-03319
		FEPA	
Texas Workforce Commission Civil Rights Division			and EEOC
<i>State or local Agency, if any</i>			
Name (<i>indicate Mr., Ms., Mrs.</i>) Mrs. Rochelle L. Smith		Home Phone (682) 597-0928	Year of Birth
Street Address 409 Avenue E DALLAS, TX 75203			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (<i>If more than two, list under PARTICULARS below.</i>)			
Name General Motors		No Employees, Members 501+ Employees	Phone No (817) 652-2248
Street Address 2525 E ABRAM ST ARLINGTON, TX 76010			
Name		No Employees, Members	Phone No
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON Disability		DATE(S) DISCRIMINATION TOOK PLACE Earliest 03/08/2022	
		Latest 03/08/2022	
THE PARTICULARS ARE (<i>If additional paper is needed, attach extra sheet(s).</i> HARM: I began my employment in March 2020, as a Forklift Operator. In August 2020, I was injured at work. I returned to work in September 2020 and the employer did not honor my restrictions. I was sent home. On or about March 8, 2022, I was informed that my employment terminated, and I was no longer in the system. I was discriminated against because of my injury. REASON: No reason given. I believe I was discriminated against as described above, because of my disability, in violation of the Americans with Disabilities Act of 1990, as amended (ADA).			
I want this charge filed with both the EEOC and the State or local Agency, if any I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures		NOTARY – <i>When necessary for State and Local Agency Requirements</i>	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT	
Digitally Signed By: Mrs. Rochelle L. Smith 12/19/2022		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
<i>Charging Party Signature</i>			

CP Enclosure with EEOC Form 5 (11/09)

PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.

MEMORANDUM**RECOMMENDATION FOR CLOSURE**

TO: Elizabeth Porras, Enforcement Supervisor

CHARGE NO. 450-2022-03319

FROM: Roxana La Motte, Investigator

SUBJECT: Rochelle Smith

Charging Party

v.

General Motors

Respondent

I recommend dismissal/closure of the subject charge based on the following:

(b) (5)

Failure to State a Claim

(b) (5) Settlement/Mediation (Including withdrawals with benefits and successful conciliations)

No Covered ADA Disability

Withdrawal without Benefits

Too Few Employees/Members

Right to Sue (Issued on Request)

Untimely

Director must certify: processing unlikely to be completed within 180 days of filing (Title VII/ADA/GINA).

Not Reasonable Cause

Other _____

Specific information in support of recommendation/decision:

Charging Party's Allegations:

CP claims she was injured at work and R declined to provide the reasonable accommodations she requested through her doctor. She claims R terminated her employment. She believes she was discriminated against due to being on worker's comp.

Respondent's Response:

None requested.

Investigation Analysis and Recommendation:

(b) (5)

Decision by/
Recommendation approved by:

(Signature)

(Date)

Date	Event	Name
4/26/2023 17:16	FOIA Request 450-2023-008327 received.	Foia User
4/17/2023 17:28	Charging Party accessed closed charge.	Publicportal User
4/17/2023 14:59	Charging Party accessed closed charge.	Publicportal User
4/17/2023 14:56	Charging Party accessed closed charge.	Publicportal User
4/17/2023 14:56	Charging Party accessed closed charge.	Publicportal User
4/17/2023 14:56	Charging Party accessed closed charge.	Publicportal User
4/17/2023 14:56	Charging Party accessed closed charge.	Publicportal User
4/17/2023 14:56	Charging Party accessed closed charge.	Publicportal User
4/17/2023 14:56	Charging Party accessed closed charge.	Publicportal User
4/17/2023 14:55	Charging Party accessed closed charge.	Publicportal User
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4/17/2023 14:54	Charging Party accessed closed charge.	Publicportal User
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4/17/2023 14:52	Charging Party accessed closed charge.	Publicportal User
4/17/2023 14:51	Charging Party accessed closed charge.	Publicportal User
4/17/2023 14:51	Charging Party accessed closed charge.	Publicportal User
4/17/2023 14:51	Charging Party accessed closed charge.	Publicportal User
4/17/2023 14:51	Charging Party accessed closed charge.	Publicportal User
4/17/2023 14:51	Charging Party accessed closed charge.	Publicportal User
4/17/2023 14:51	Contact with Charging Party record added	DENNIS GUZMAN
	Emailed Mrs. Rochelle L. Smith at	
4/17/2023 13:44	(b) (7)(C) that a new document is available to download.	Arcapp User
4/17/2023 13:44	Correspondence To/From Charging Party (2023.03.27 Status of NRTS 450-2023-03319.msg) released	ROXANA LAMOTTE
4/17/2023 13:43	Uploaded Document. Type: Correspondence To/From Charging Party & FileName:2023.03.27 Status of NRTS 450-2023-03319.msg	ROXANA LAMOTTE

Activity Log

450-2022-03319

4/17/2023 13:38	Downloaded Document. Type: CP Pre-determination/Determination Interview Notes & FileName:2022.12.19 Intake Notes 450-2022-00319.pdf	ROXANA LAMOTTE
4/17/2023 13:37	Downloaded Document. Type: Internal Correspondence-Enforcement & FileName:2022.12.19 291 450-2022-03319.pdf	ROXANA LAMOTTE
4/17/2023 13:37	Downloaded Document. Type: Internal Correspondence-Enforcement & FileName:2022.12.19 291 450-2022-03319.pdf	ROXANA LAMOTTE
3/27/2023 11:31	Downloaded Document. Type: CP Pre-determination/Determination Interview Notes & FileName:2022.12.19 Intake Notes 450-2022-00319.pdf	ROXANA LAMOTTE
3/27/2023 11:29	Downloaded Document. Type: Internal Correspondence-Enforcement & FileName:2022.12.19 291 450-2022-03319.pdf	ROXANA LAMOTTE
3/22/2023 21:10	The Charging Party has Downloaded Document. Type: Charge of Discrimination & FileName:450-2022-03319_ChargeOfDiscrimination.pdf	Publicportal User
3/22/2023 21:05	The Charging Party has Downloaded Document. Type: Charge of Discrimination & FileName:450-2022-03319_ChargeOfDiscrimination.pdf	Publicportal User
3/21/2023 22:10	The Charging Party has Downloaded Document. Type: Charge of Discrimination & FileName:450-2022-03319_ChargeOfDiscrimination.pdf	Publicportal User
3/21/2023 22:10	The Charging Party has Downloaded Document. Type: Charge of Discrimination & FileName:450-2022-03319_ChargeOfDiscrimination.pdf	Publicportal User
3/21/2023 22:10	The Charging Party has Downloaded Document. Type: Charge of Discrimination & FileName:450-2022-03319_ChargeOfDiscrimination.pdf	Publicportal User
3/21/2023 17:06	The Charging Party has Downloaded Document. Type: Charge of Discrimination & FileName:450-2022-03319_ChargeOfDiscrimination.pdf	Publicportal User
2/21/2023 3:08	The Charging Party has Downloaded Document. Type: Closure Notice/NRTS & FileName:2022.12.22 Closure Notice 450-2022-03319.pdf	Publicportal User
2/21/2023 3:06	The Charging Party has Downloaded Document. Type: Charge of Discrimination & FileName:450-2022-03319_ChargeOfDiscrimination.pdf	Publicportal User
2/21/2023 3:06	The Charging Party has Downloaded Document. Type: Closure Notice/NRTS & FileName:2022.12.22 Closure Notice 450-2022-03319.pdf	Publicportal User

2/15/2023 12:56	Downloaded Document. Type: CP Pre-determination/Determination Interview Notes & FileName:2022.12.19 Intake Notes 450-2022-00319.pdf	ROXANA LAMOTTE
1/23/2023 13:13	The Charging Party has Downloaded Document. Type: Charge of Discrimination & FileName:450-2022-03319_ChargeOfDiscrimination.pdf	Publicportal User
1/23/2023 13:11	The Charging Party has Downloaded Document. Type: Closure Notice/NRTS & FileName:2022.12.22 Closure Notice 450-2022-03319.pdf	Publicportal User
1/23/2023 13:11	The Charging Party has Downloaded Document. Type: Closure Notice/NRTS & FileName:2022.12.22 Closure Notice 450-2022-03319.pdf	Publicportal User
1/23/2023 13:11	The Charging Party has Downloaded Document. Type: Closure Notice/NRTS & FileName:2022.12.22 Closure Notice 450-2022-03319.pdf	Publicportal User
1/1/2023 21:05	Reminder email sent to General Motors at generalmotorslscharges@littler.com that Closure Notice/NRTS document is available to download.	Arcapp User
12/30/2022 23:01	Downloaded Document. Type: Internal	
12/28/2022 11:41	Correspondence-Enforcement & FileName:2022.12.19 291 450-2022-03319.pdf	DENNIS GUZMAN
12/28/2022 11:41	Downloaded Document. Type: Closure Notice/NRTS & FileName:2022.12.22 Closure Notice 450-2022-03319.pdf	DENNIS GUZMAN
12/22/2022 16:50	The Charging Party has Downloaded Document. Type: Closure Notice/NRTS & FileName:2022.12.22 Closure Notice 450-2022-03319.pdf	Publicportal User
12/22/2022 16:26	Downloaded Document. Type: Closure Notice/NRTS & FileName:2022.12.22 Closure Notice 450-2022-03319.pdf	ROXANA LAMOTTE
12/22/2022 16:25	Case status changed from Charge filed to Charge Closed.	ROXANA LAMOTTE
12/22/2022 16:25	Case moved to CLOSED stage.	ROXANA LAMOTTE
12/22/2022 16:25	Charge has been closed with reason No Cause Finding.	ROXANA LAMOTTE
12/22/2022 16:25	Closure Supervisor review approved.	ROXANA LAMOTTE
12/22/2022 16:25	Supporting Details for recommended charge closure modified: (b) (5) .	ROXANA LAMOTTE
12/22/2022 16:25	Charge recommended [REDACTED]	ROXANA LAMOTTE
12/22/2022 16:24	Emailed General Motors at generalmotorslscharges@littler.com that a new document is available to download.	Arcapp User
12/22/2022 16:24	Emailed Mrs. Rochelle L. Smith at [REDACTED] (b) (7)(C) that a new document is available to download.	Arcapp User

Activity Log

450-2022-03319

12/22/2022 16:24	Closure Notice/NRTS (2022.12.22 Closure Notice 450-2022-03319.pdf) released Uploaded Document. Type: Closure Notice/NRTS & FileName:2022.12.22 Closure Notice 450-2022-03319.pdf	ROXANA LAMOTTE
12/22/2022 16:24	Assigned to ROXANA LAMOTTE for Supervisor Closure review	ROXANA LAMOTTE
12/22/2022 16:18	Supporting Details for recommended charge closure added: No cause finding.	ROXANA LAMOTTE
12/22/2022 16:18	Charge recommended (b) (5). Emailed General Motors at generalmotorslscharges@littler.com that charge has been perfected	ROXANA LAMOTTE
12/22/2022 16:18	Uploaded Document. Type: Notice of Charge & FileName:450-2022-03319_NotifyOfChargeOfDiscrimination.pdf	ROXANA LAMOTTE
12/22/2022 16:18	Generated Document. Type: Notice of Charge & FileName:450-2022-03319_NotifyOfChargeOfDiscrimination.pdf	ROXANA LAMOTTE
12/22/2022 16:18	PCHP Supervisor review approved.	ROXANA LAMOTTE
12/22/2022 16:17	Assigned to ROXANA LAMOTTE for Supervisor PCHP review	ROXANA LAMOTTE
12/22/2022 16:17	ADA Other-Other Disability Discharge closed with No Cause Finding	ROXANA LAMOTTE
12/22/2022 16:11	Generated Document. Type: Closure Notice/NRTS & FileName:450-2022-03319_Closure Notice/NRTS.docx	ROXANA LAMOTTE
12/22/2022 14:59	Respondent zipCode changed to 48111	ROXANA LAMOTTE
12/22/2022 14:59	Respondent emailAddress changed to generalmotorslscharges@littler.com	ROXANA LAMOTTE
12/22/2022 14:59	Respondent county changed to Wayne	ROXANA LAMOTTE
12/22/2022 14:59	Respondent state changed to Michigan	ROXANA LAMOTTE
12/22/2022 14:59	Respondent city changed to Belleville	ROXANA LAMOTTE
12/22/2022 14:59	Respondent addressLine1 changed to 50000 Escorse Rd	ROXANA LAMOTTE
12/21/2022 16:43	Dual filing notification acknowledged by Texas Workforce Commission Civil Rights Division:Defer Investigation	Ninette Mall
12/21/2022 16:43	Identified Deferral Office Intent by Texas Workforce Commission Civil Rights Division as Defer Investigation	Ninette Mall
12/21/2022 16:41	Uploaded Document. Type: Notice of Dual-Filed Charge & FileName:450-2022-03319_NotifyOfDualFiledCharge.pdf	Ninette Mall
12/21/2022 16:41	Generated Document. Type: Notice of Dual-Filing & Acknowledgement of Charge & FileName:450-2022-03319_NotifyOfDualFiledCharge.pdf	Ninette Mall

Activity Log

450-2022-03319

12/21/2022 16:41	Dual filing notification acknowledged by Texas Workforce Commission Civil Rights Division:Defer Investigation	Ninette Mall
12/21/2022 16:41	Identified Deferral Office Intent by Texas Workforce Commission Civil Rights Division as Defer Investigation	Ninette Mall
12/21/2022 14:09	The Charging Party has Downloaded Document. Type: Charge of Discrimination & FileName:450-2022-03319_ChargeOfDiscrimination.pdf	Publicportal User
12/21/2022 13:11	The Charging Party has Downloaded Document. Type: Charge of Discrimination & FileName:450-2022-03319_ChargeOfDiscrimination.pdf	Publicportal User
12/20/2022 20:14	The Charging Party has Downloaded Document. Type: Charge of Discrimination & FileName:450-2022-03319_ChargeOfDiscrimination.pdf	Publicportal User
12/20/2022 12:07	The Charging Party has Downloaded Document. Type: Charge of Discrimination & FileName:450-2022-03319_ChargeOfDiscrimination.pdf	Publicportal User
12/19/2022 22:03	The Charging Party has Downloaded Document. Type: Charge of Discrimination & FileName:450-2022-03319_ChargeOfDiscrimination.pdf	Publicportal User
12/19/2022 18:14	Uploaded Document. Type: Internal Correspondence- Enforcement & FileName:2022.12.19 291 450-2022-03319.pdf	ROXANA LAMOTTE
12/19/2022 17:33	Respondent hrDirectorOwner added as Ashley Winnett	ROXANA LAMOTTE
12/19/2022 17:33	Respondent naicsCode added as 441310	ROXANA LAMOTTE
12/19/2022 17:26	Respondent emailAddress added as executivedirector-humanresources@gm.com	ROXANA LAMOTTE
12/19/2022 15:00	Uploaded Document. Type: CP Pre-determination/Determination Interview Notes & FileName:2022.12.19 Intake Notes 450-2022-00319.pdf	ROXANA LAMOTTE
12/19/2022 13:19	Deleted Document. Type: Charge of Discrimination-Draft & FileName:450-2022-03319_ChargeOfDiscrimination-Draft.pdf & Reason:COD Uploaded	Arcapp User
12/19/2022 13:19	Emailed Mrs. Rochelle L. Smith at (b) (7)(C) that charge has been Filed	Arcapp User
12/19/2022 13:19	Uploaded Document. Type: Charge of Discrimination & FileName:450-2022-03319_ChargeOfDiscrimination.pdf	Arcapp User
12/19/2022 13:19	Dual filing notification sent to Texas Workforce Commission Civil Rights Division	Arcapp User
12/19/2022 13:19	Case status changed from Charge Prepared to Charge filed.	Arcapp User
12/19/2022 13:19	A charge is formalized	Arcapp User

12/19/2022 13:19	Added Charge Particulars - Formalized	Arcapp User
12/19/2022 13:19	Charging Party signed Charge of Discrimination.	(b) (7)(C)
12/19/2022 13:06	The Charging Party has Downloaded Document. Type: Charge of Discrimination- Draft & FileName:450-2022-03319_ChargeOfDiscrimination-Draft.pdf	Publicportal User
12/19/2022 13:04	Uploaded Document. Type: Charge of Discrimination- Draft & FileName:450-2022-03319_ChargeOfDiscrimination-Draft.pdf	ROXANA LAMOTTE
12/19/2022 13:04	Case status changed from Inquiry Submitted to Charge Prepared.	ROXANA LAMOTTE
12/19/2022 13:04	Generated Document. Type: Charge of Discrimination- Draft & FileName:450-2022-03319_ChargeOfDiscrimination-Draft.pdf	ROXANA LAMOTTE
12/19/2022 13:04	Case status changed from Inquiry Submitted to Charge Prepared.	ROXANA LAMOTTE
12/19/2022 13:04	Prepared Charge of Discrimination for review & signature	ROXANA LAMOTTE
12/19/2022 13:04	Sent to Charging Party For Review	ROXANA LAMOTTE
12/19/2022 13:04	Added Charge Particulars - Revised	ROXANA LAMOTTE
12/19/2022 12:14	Viewed Online Inquiry Report Information	(b) (7)(C)
12/19/2022 12:09	Added Charge Particulars - Draft	ROXANA LAMOTTE
12/19/2022 11:56	Identified Receiving Office Intent as Investigate Charge	ROXANA LAMOTTE
12/19/2022 11:56	Selected Deferral Office: Texas Workforce Commission Civil Rights Division	ROXANA LAMOTTE
12/19/2022 11:56	(b) (5)	ROXANA LAMOTTE
12/19/2022 11:56		ROXANA LAMOTTE
12/19/2022 11:56		ROXANA LAMOTTE
12/19/2022 11:56		ROXANA LAMOTTE
12/19/2022 11:56	PCHP assess PCHP Assessment added.	ROXANA LAMOTTE
12/19/2022 11:56	Processing category justification text (b) (5)	ROXANA LAMOTTE
12/19/2022 11:56		ROXANA LAMOTTE
12/19/2022 11:56		ROXANA LAMOTTE
12/19/2022 11:48	Allegation ADA Other-Other Disability Discharge added to case	ROXANA LAMOTTE
12/19/2022 11:44	Charging Party nationalOriginCategory added as American (U.S.) Origin	ROXANA LAMOTTE
12/19/2022 11:44	Charging Party nationalOriginGroup added as American/Other Origin Group	ROXANA LAMOTTE

12/19/2022 11:44	Charging Party homePhone added as (682) 597-0928	ROXANA LAMOTTE
12/19/2022 11:44	Charging Party race added as Black or African American	ROXANA LAMOTTE
12/19/2022 11:37	Viewed Online Inquiry Report Information	(b) (7)(C)
12/19/2022 11:36	Viewed Online Inquiry Report Information	ROXANA LAMOTTE
12/19/2022 11:25	Respondent phone added as (817) 652-2248	ROXANA LAMOTTE
12/19/2022 11:25	Respondent numberOfEmployees added as 501+ Employees	ROXANA LAMOTTE
12/19/2022 11:25	Respondent institutionType added as Private Employer	ROXANA LAMOTTE
12/19/2022 11:25	Respondent emlState added as Respondent must verify record.	ROXANA LAMOTTE
12/19/2022 11:23	Viewed Online Inquiry Report Information	(b) (7)(C)
12/19/2022 10:10	Viewed Online Inquiry Report Information	ROXANA LAMOTTE
12/19/2022 10:10	Viewed Online Inquiry Report Information	ROXANA LAMOTTE
12/19/2022 10:10	Viewed Online Inquiry Report Information	(b) (7)(C)
12/19/2022 10:08	Viewed Online Inquiry Report Information	ROXANA LAMOTTE
12/19/2022 10:08	Charge assignee ROXANA LAMOTTE (INVESTIGATOR) viewed charge details.	ROXANA LAMOTTE
12/19/2022 9:50	Viewed Online Inquiry Report Information	(b) (7)(C)
12/16/2022 6:26	A 1-day reminder notice is emailed to the PCP..	noreply@eeoc.gov
12/15/2022 17:48	ROXANA LAMOTTE designated as the primary assignee	NINA PASTRANA
12/15/2022 17:47	Interview has been scheduled for 12/19/2022 08:00:00 MST at El Paso Area Office.	nina.pastrana@eeoc.gov
12/15/2022 17:46	Interview has been scheduled for 12/19/2022 08:00:00 MST at El Paso Area Office.	nina.pastrana@eeoc.gov
12/15/2022 17:44	Charging Party cellNumber added as (682) 597-0928	NINA PASTRANA
12/15/2022 17:44	Case status changed from Inquiry Closed to Inquiry Submitted.	NINA PASTRANA
12/15/2022 17:20	Interview has been cancelled for 12/15/2022 15:00:00 MST at El Paso Area Office.	nina.pastrana@eeoc.gov
12/15/2022 17:02	Case status changed from Inquiry Submitted to Inquiry Closed.	NINA PASTRANA
12/15/2022 17:02	Inquiry has been closed with reason Unable to contact Charging Party.	NINA PASTRANA
12/15/2022 17:01	Uploaded Document. Type: Correspondence To/From Charging Party & FileName:2022-12-15 Email to PCP re canceled intake appt for 450-2022-03319.msg	NINA PASTRANA
12/15/2022 16:57	Contact with Charging Party record added	NINA PASTRANA
12/15/2022 16:54	America Luna removed as the primary assignee	NINA PASTRANA
12/14/2022 6:34	A 1-day reminder notice is emailed to the PCP..	noreply@eeoc.gov
12/9/2022 20:27	Viewed Online Inquiry Report Information	(b) (7)(C)
12/9/2022 20:26	Viewed Online Inquiry Report Information	
12/9/2022 20:23	A PCP confirms a scheduled appointment.	

12/9/2022 20:23	A PCP confirms a scheduled appointment.	(b) (7)(C)
12/8/2022 8:23	A PCP confirms a scheduled appointment.	noreply@eeoc.gov
12/8/2022 6:32	A 5-day confirmation notice is emailed to the PCP.	AMERICA LUNA
12/7/2022 13:54	Charge assignee America Luna (NA) viewed charge details.	NINA PASTRANA
12/7/2022 12:17	America Luna designated as the primary assignee	NINA PASTRANA
12/7/2022 12:17	Nina Pastrana removed as the primary assignee	nina.pastrana@eeoc.gov
12/7/2022 11:41	Interview has been scheduled for 12/15/2022 15:00:00 MST at El Paso Area Office.	
12/5/2022 13:35	Contact with Charging Party record added	NINA PASTRANA
11/22/2022 13:33	Contact with Charging Party record added	NINA PASTRANA
11/22/2022 13:30	Interview has been scheduled for 12/15/2022 15:00:00 MST at El Paso Area Office.	nina.pastrana@eeoc.gov
11/22/2022 13:29	Case status changed from Inquiry Closed to Inquiry Submitted.	NINA PASTRANA
11/22/2022 13:22	Case status changed from Inquiry Submitted to Inquiry Closed.	NINA PASTRANA
11/22/2022 13:22	Inquiry has been closed with reason Unable to contact Charging Party.	NINA PASTRANA
11/22/2022 13:22	Contact with Charging Party record added	NINA PASTRANA
11/22/2022 13:21	Uploaded Document. Type: Correspondence To/From Charging Party & FileName:2022-11-22 Email to PCP re intake appt for 450-2022-03319.msg	NINA PASTRANA
11/22/2022 13:18	Charge assignee Nina Pastrana (NA) viewed charge details.	NINA PASTRANA
11/15/2022 13:38	Transfer to El Paso Area Office from Dallas District Office for Workload Redistribution accepted Transfer to El Paso Area Office from Dallas District Office for Workload Redistribution initiated.	DENNIS GUZMAN
11/15/2022 8:54	Purpose:part of 11/15 inquiry transfer batch to El Paso & communication with CP simply to verify intent to move forward/file & appointment not scheduled & clean transfer	JUAN MUÑOZ
11/15/2022 8:54	Nina Pastrana designated as the primary assignee	JUAN MUÑOZ
11/15/2022 8:54	DARYL PETERSON removed as the primary assignee	JUAN MUÑOZ
11/15/2022 8:53	General note added. Type:part of 11/15 inquiry transfer batch to El Paso & communication with CP and Non-Disclosable:No.	JUAN MUÑOZ
11/8/2022 17:14	Contact with Charging Party record added	DARYL PETERSON
11/8/2022 17:14	Uploaded Document. Type: Correspondence To/From Charging Party & FileName:____ Equal Employment Opportunity Commission (EEOC)_ Follow-Up for Rochelle Smith 450-2022-03319 ____ .msg	DARYL PETERSON
10/31/2022 16:02	Charge assignee DARYL PETERSON (NA) viewed charge details.	DARYL PETERSON

10/31/2022 10:54	DARYL PETERSON designated as the primary assignee	JUAN MUÑOZ
10/30/2022 23:43	Online inquiry set as urgent.	Arcapp User
8/23/2022 9:36	Case removed from Possible El Paso Transfers folder for Dallas District Office.	JUAN MUÑOZ
8/2/2022 14:26	Case assigned to Possible El Paso Transfers folder for Dallas District Office.	JUAN MUÑOZ
6/7/2022 6:00	Online Inquiry appointment auto cancelled	noreply@eeoc.gov
6/7/2022 6:00	Interview has been cancelled for 06/09/2022 09:30:00 CST at Dallas District Office.	Publicportal User
6/2/2022 6:16	A 5-day confirmation notice is emailed to the PCP.	noreply@eeoc.gov
5/11/2022 6:10	A 20-day reminder notice is emailed to the PCP.	noreply@eeoc.gov
3/16/2022 11:31	Supplemental text updated	
3/16/2022 10:51	Interview has been scheduled for 06/09/2022 09:30:00 CST at Dallas District Office.	
3/12/2022 11:17	PP user confirms that the Preservation of Evidence has been reviewed	
3/12/2022 11:16	An Inquiry has been created.	

(b) (7)(C)

Subject	Notes
022-12-19T13:04:25.274713	<p>HARM: I began my employment in March 2020, as a Forklift Operator. In August 2020, I was injured at work. I returned to work in September 2020 and the employer did not honor my restrictions. I was sent home. On or about March 8, 2022, I was informed that my employment terminated, and I was no longer in the system. I was discriminated against because of my injury.</p> <p>REASON: No reason given.</p> <p>I believe I was discriminated against as described above, because of my disability, in violation of the Americans with Disabilities Act of 1990, as amended (ADA).</p>
022-12-19T12:09:57.279715	<p>HARM: I began my employment in March 2020, as a Forklift Operator. In August 2020, I was injured at work. I returned to work in September 2020 and the employer did not honor my restrictions. I was sent home. On or about March 8, 2022, I was informed that my employment terminated, and I was no longer in the system. I was discriminated against because of my injury.</p> <p>REASON: No reason given.</p>
022-11-15T08:53:36.046965	<p>part of 11/15 inquiry transfer batch to El Paso, communication with CP simply to verify intent to move forward/file, appointment not scheduled, clean transfer</p>

APP. 021

INTERVIEW NOTES

(Notes not Verbatim)

CHARGE NO.: 450-2022-03319

CHARGING PARTY: Rochelle Smith

RESPONDENT: General Motors

DATE OF INTERVIEW: 12/19/22

LOCATION OF INTERVIEW: Telework

MANNER OF INTERVIEW (in person, telephone, etc.): by phone

INTERVIEWER: Roxana La Motte, Investigator

Others Present, Identify: none

STATUTE: ADA

BASIS: Disability – none (worker's comp)

ISSUES: discharge

Hired: March 2020, as a forklift driver. She was hired by HR GM

Fired: 3/8/22, the medical office told her she was fired

Injured: 8/29/2020, she has not been back to work since. She was out until 9/3/2020

Restrictions: could not read, standing more than two hours, no kneeling, squatting, no overhead reaching, no operating heavy equipment, no driving. Sedentary work only.

In 3/2021, they told her they were going to send her to work with another supervisor that violated her restrictions. She was out of work since 3/2021. She was in contact with her employer because she had to turn in her worker's comp paperwork. Aubrey (supervisor). Nate Hampton send her to work with her.

She was getting paid workers comp until 10/22.

Ed Gray told her to not return to work.

Still in treatment. She is not receiving unemployment benefits.

Katherine Sellers told this supervisor to leave.

Her neurologist told her in 10/2022, that she had TBI.

R promotes non-Black employees within two months or less to specialist. I have been with the company for more than seven years. Faith Carranza was promoted to specialist within seven months of hiring.

The Director Chad takes responding to your emails. He does not respond to her and if he does, he tells her they will get on that the early part of next year.

GM Headquarters 100 Renascence Center, Detroit, Michigan 48265
817-652-2248

Souhai Mansour- Labor Representative (Union)

PDI CP:

Advised CP that she does not have a disability as defined by the ADA. She is a forklift operator and cannot perform her job duties. Her doctor placed her on a sedentary restriction in 2020. She is still on worker's comp.

Advised CP that she had a right to file; however, EEOC will dismiss because based on the information she provided, she is not a QID. Advised her that if she files, she will receive the Dismissal Notice and Rights immediately and will have to file her own lawsuit, within 90 days from the date on the letter.

RASHEEDAH MCDONALD

From: DARYL PETERSON
Sent: Tuesday, November 8, 2022 2:24 PM
To: (b) (7)(C)
Subject: *** Equal Employment Opportunity Commission (EEOC): Follow-Up for Rochelle Smith
450-2022-03319 ***

Importance: High

Greetings,

This is a follow-up email from the Equal Employment Opportunity Commission (EEOC) for **Rochelle Smith** referencing your Inquiry file number **450-2022-03319**. We are contacting you to inform you that we are in receipt of your portal submission, and, as a part of the follow-up, confirmation of your intent to file is requested. Upon your response, the agency will be able to move forward with the next steps in scheduling an appointment and the filing of your claim. **You will be placed on a waiting list to be interviewed prior to the 300th day in which you have to file.** Please note that your last day to file is **12/27/2022**.

Please answer the following questions to help complete our follow-up:

1. **Are you still interested in filing?** Yes/No
(If "No", please send response and discontinue the questionnaire)

2. **Are you still employed at this company?** Yes/No
 - a. Yes – move to next question.
 - b. No
 - i. **What is the Date of Discharge?**

3. **What is the last adverse job action** (i.e., disciplinary action, reduced hours, etc.)?

4. **What is the date of the last adverse job action?**

5. **What is the name and contact information or your Human Resource Manager/Director?**
 - a. **Name:** _____
 - b. **Phone:** _____
 - c. **E-mail:** _____

***** Please send your answers to these questions in a reply to this email OR give us a call at (972)-918-3649, at your earliest convenience. NOTE: If you still have an intent to file, please contact us. If we receive no response, your submission will be closed. *****

Thank you and Have a Great Day!

Dallas District Office | U. S. EEOC
207 S. Houston Street, FL 3, Dallas, TX 75202
Office: 972-918-3649

RASHEEDAH MCDONALD

From: Rochelle Smith (b) (7)(C)
Sent: Monday, March 27, 2023 11:59 AM
To: ROXANA LAMOTTE
Subject: Re:

Thank you for the clarification.

On Mon, Mar 27, 2023 at 11:19 AM ROXANA LAMOTTE <ROXANA.LAMOTTE@eeoc.gov> wrote:

Ms. Smith,

We provided the right to sue on 12/22/22, and informed you that you had to file a lawsuit with the court within 90 days. I explained to you, that once the right to sue is issued, EEOC is no longer involved. We complied with the administrative process. Nothing else needs to be done with EEOC.

This is what you said in your email: “I tried to upload to the portal but it would not let me...

I filed the original on 03/22/23 and had to amend it on 03/24/23” ----- that is why I asked you for a charge number.

Respectfully,

Roxana La Motte

From: Rochelle Smith (b) (7)(C)
Sent: Monday, March 27, 2023 9:59 AM
To: ROXANA LAMOTTE <ROXANA.LAMOTTE@EEOC.GOV>
Subject: Re:

I didn't say I filed another charge. I thought you said once I file my complaint with the court to upload the complaint

Sent from my iPhone

On Mar 27, 2023, at 10:56 AM, Rochelle Smith (b) (7)(C) [REDACTED] wrote:

You gave me a right to sue letter and said I had 90 days to file a lawsuit. M confused

Sent from my iPhone

On Mar 27, 2023, at 10:41 AM, ROXANA LAMOTTE <ROXANA.LAMOTTE@eeoc.gov> wrote:

Ms. Smith,

You filed a charge in December 2022 and it was dismissed on 12/22/22, as discussed during your intake interview in December 2022.

What is the charge number for the other charge you filed on 3/22/23 and 3/24/23?

From: Rochelle Smith (b) (7)(C)
Sent: Monday, March 27, 2023 9:08 AM
To: ROXANA LAMOTTE <ROXANA.LAMOTTE@EEOC.GOV>
Subject: Re:

450-2022-03319

Sent from my iPhone

On Mar 27, 2023, at 10:04 AM, ROXANA LAMOTTE <ROXANA.LAMOTTE@eeoc.gov> wrote:

What is your charge number?

From: Rochelle Smith (b) (7)(C)
Sent: Saturday, March 25, 2023 9:14 AM
To: ROXANA LAMOTTE <ROXANA.LAMOTTE@EEOC.GOV>
Subject: Fwd:

CAUTION: The sender of this message is external to the EEOC network. Please use care when clicking on links and responding with sensitive information. Forward suspicious emails to phishing@eeoc.gov.

I tried to upload to the portal but it would not let me...

I filed the original on 03/22/23 and had to amend it on 03/24/23

Sent from my iPhone

Begin forwarded message:

From: corey smith <coreysmith0819@gmail.com>
Date: March 25, 2023 at 10:12:24 AM CDT
To:(b) (7)(C)

<image001.png>

RASHEEDAH MCDONALD

From: NINA E. PASTRANA
Sent: Thursday, December 15, 2022 4:00 PM
To: (b) (7)(C)
Subject: EEOC Inquiry No. 450-2022-03319

Good Afternoon:

Your intake appointment for today, Thursday, 12/15/2022, at 4 p.m. has been canceled. Please contact me either via email or telephone to reschedule your intake appointment. Thank you for your assistance in this matter.

Best Regards,

Nina E. Pastrana

Investigator Support Assistant
100 N. Stanton St., Ste. 600
El Paso, TX 79901
(915) 995-8847
nina.pastrana@eeoc.gov

We encourage you to use email as your primary method of communication. You may reach our office directly by **email** at elpasointake@eeoc.gov or by **fax** at **(915) 534-6701**.



RASHEEDAH MCDONALD

From: NINA E. PASTRANA
Sent: Tuesday, November 22, 2022 12:21 PM
To: (b) (7)(C)
Subject: EEOC Inquiry No. 450-2022-03319

Good Afternoon:

This email is regarding your recent inquiry on the EEOC Public Portal and a possible workplace discrimination. I called you today but was unable to reach you. However, if you are still interested in speaking with this office and possibly filing a charge of workplace discrimination, please contact me at (915) 995-8847 to schedule a telephonic intake interview with one of our investigators. Please note that there are approximate time limitations of 300 days from the date of believed discrimination to file a charge of discrimination.

Thank you for contacting the Dallas/El Paso Area Office of the EEOC.

Cordially,

Nina E. Pastrana

Investigator Support Assistant
100 N. Stanton St., Ste. 600
El Paso, TX 79901
(915) 995-8847
nina.pastrana@eeoc.gov

Effective March 17, 2020, the EEOC implemented 100% Agency-Wide Telework. During this time, limited staff is available to process mail. We encourage you to use email as your primary method of communication. You may reach our office directly by **email** at elpasointake@eeoc.gov or by **fax** at **(915) 534-6701**.



EEOC (Inquiry) Number: 450-2022-03319

Inquiry Information

INQUIRY OFFICE

Receiving: El Paso Area Office

Accountable: El Paso Area Office

POTENTIAL CHARGING PARTY

Name: Mrs. Rochelle L. Smith

Address: 409 Avenue E

DALLAS, TX 75203

Year of Birth:

Email Address:(b) (7)(C)

Phone Number: (682) 597-0928

POTENTIAL CHARGING PARTY'S DEMOGRAPHICS

Gender: F

Disabled?

Are you Hispanic or Latino?

Ethnicity: Black or African American,

National Origin:

RESPONDENT/Employer

Organization Name: General Motors

Type of Employer: Business or non-profit organization that I applied to, work for, or worked for

Number of Employees: 20 or more employees

Address: 50000 Escorse Rd

Belleville, MI 48111

County: Wayne

Phone Number: (817) 652-2248

LOCATION OF POTENTIAL CHARGING PARTY'S EMPLOYMENT

Address:

County:

RESPONDENT CONTACT

Name: General Motors

Email Address: generalmotorslscharges@littler.com

Phone Number: (817) 652-2248

Title:

REASON(S) FOR CLAIM

Date of Incident (Approximate): 03/03/2022

Reason for Complaint: Disability

Pay Disparity:

Location of Incident: Texas

Submission (initial inquiry) Date 03/12/2022

Claim previously filed as charge with EEOC? No

Approximate Date of Filing:

Charge Number: 450-2022-03319

Claim previously filed as complaint with another Agency? No

Agency Name:

Approximate Date of Filing:

Nature of Complaint:

Adverse Action(s)

I'm on workers comp and still under doctor's care. I have a head, neck and back injury with prohibited restrictions. Learned from medical nurse on Tuesday March 03/08/2022 that I have been terminated as 03/03/2022. No one will tell me anything 03/03/22 been trying to get in touch with someone and no one is calling me back. I have been doing everything that the doctor and General Motors have ask. It's so much more to this story. I'm trying to see have I been wrongfully terminated. The State Dr have stated that I have not reached MMI s of yet. No one will tell me anything and I'm still getting Workers Comp. Texas Department Insurance advised me to contact EEO for wrongful termination and perhaps retaliation. There's more_

APPOINTMENT

Appointment Date and time: 12/19/2022 09:00:00 CST

Interview Type: Phone_

APPROXIMATE DEADLINE FOR FILING A CHARGE: 12/28/2022

Supplemental Information

What Reason(s) were you given for the action taken against you?

Was anyone in a similar situation treated the same, better, or worse than you?

There are a lot of employees that were allowed to work under restrictions. I feel they put me on what they called temp layoff while on restrictions, because I complain to the union that the supervisor were telling me that I would be cleaning concrete walls. I after I complained they next day they said that because of they whole wall thing and my restriction too they was putting me on NJAR(W) and I have recorded conversations with labor and recorded conversation from nurse who told me the reason she cant put my info in is because I was terminated.

Please provide name(s) and email and/or phone number of anyone who will support your claim, and briefly describe the information this person will provide.

Adrianne (b) (7)(C) the whole situation with the walls and restrictions
KP (union) (423) 503-8973 about me being on restrictions and should not have been fired
Kenneth Hines (Chairman) (817) 652-2517 email. kenneth.hines@gm.com. he's the head union guy so he should be able to tell you about the employer

Please tell us any other information about your experience?

Not has this whole accident I had at work caused head, back and neck injury, but it has also cause me stress. Now in the midst of trying to get well, I was terminated without a reason. I can get any information, from no one. The union steward KP told me that he was still working on it 03/07/2022 via text message and I reached back out I gave him 2 more days and on 03/09/22 he said he was sick and would have the zone man to contact me. I then I reach out to Kenneth Hines, Chairperson (Union) Thursday evening 03/10/22 after I messaged him no return call, I then emailed him at 03/11/22 and still nothing. Labor not calling back or anything.



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

El Paso Area Office

100 N. Stanton Street, Suite 600

El Paso, TX 79901

(800) 669-4000

Website: www.eeoc.gov

NOTICE OF CHARGE OF DISCRIMINATION

(This Notice replaces EEOC FORM 131)

12/22/2022

To: General Motors
50000 Escorse Rd
Belleville, MI 48111

This is notice that a charge of employment discrimination has been filed with the EEOC against your organization by Rochelle L Smith under: The Americans With Disabilities Act of 1990 (ADA). The circumstances of the alleged discrimination are based on Disability, and involve issues of Discharge that are alleged to have occurred on or about 03/08/2022.

The Digital Charge System makes investigations and communications with charging parties and respondents more efficient by digitizing charge documents. The charge is available for you to download from the EEOC Respondent Portal, the EEOC's secure online system.

Please follow these instructions to view the charge within ten (10) days of receiving this Notice:

1. Access the EEOC's secured online system at <https://arc.eeoc.gov/rsp/login.jsf>
2. Enter this EEOC Charge No.: 450-2022-03319
3. Enter this password: n4mKfODzT

Once you log into the system, you can view and download the charge, and electronically submit documents to EEOC. The system will also advise you of possible actions or responses and identify your EEOC point of contact for this charge.

If you are unable to log into the EEOC Respondent Portal or have any questions regarding it, you may send an email to elpasopublic@eeoc.gov.

Preservation of Records Requirement When a Charge has Been Filed

The EEOC regulations require respondents to preserve all payroll and personnel records relevant to the charge until final disposition of the charge or litigation. 29 CFR §1602.14. For more information on your obligation to preserve records, see <http://eeoc.gov/employers/recordkeeping.cfm>.

Non-Retaliation Requirements

The laws enforced by the EEOC prohibit retaliation against any individual because s/he has filed a charge, testified, assisted or participated in an investigation, proceeding or hearing under these laws. Persons filing charges of discrimination are advised of these Non-Retaliation Requirements and are instructed to notify the EEOC if any attempt at retaliation is made. For more information, see <http://www.eeoc.gov/laws/types/facts-retal.cfm>.

Legal Representation

Although you do not have to be represented by an attorney while we handle this charge, you have a right, and may wish to retain an attorney to represent you. If you do retain an attorney, please provide the attorney's contact information when you log in to the online system.

Please retain this notice for your records.